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59

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,968	04/04/2001	Christoph Kern	P3939	4108
24739	7590	05/19/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 05/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/826,968

Applicant(s)

KERN ET AL.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-27 and 30 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 25-27, 30 are presented for examination. Claims 1-24, 28 and 29 are cancelled.

#### ***Response to Arguments***

2. Applicant's arguments with respect to the presented claims (existing claims 25-27, 30) have been considered, but are moot in view of the new ground(s) of rejection.

#### ***Election/Restrictions***

3. Applicant's election without traverse of invention Group III, i.e., claims 25-29 in the reply filed on 11/29/2004 is acknowledged. (Note: Group III invention includes a newly added claim 30, and claims 28 and 29 are cancelled).

#### ***Claim Objections***

4. Claim 30 is objected to because of the following informalities:  
  
Claim 30 is missing "." after "(PIN)".  
  
Appropriate correction is required.

#### ***Response to Amendment***

5. The amendment filed 11/29/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Art Unit: 2154

a) additional limitations of claim 25, “received from non-proprietary sources”.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

7. The specification does not contain subject matter containing any software or hardware to implement limitation “received from non-proprietary sources”, as cited in claim 25.

Examiner has reviewed the specification (OCR whole document) and could not find support for the additional limitations as claimed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2154

9. Claim 25 recite the limitations, “comparing the data”, “the user”, “the user’s interface”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple types of “data” (i.e., data before aggregating, data after aggregating, non-sensitive data, and data aggregated on behalf of user), and multiple users exist in the claim, it is not clear which “data” and “user” is referred by theses limitations.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm, Group I Software, Inc, 6,889,205 (Hereinafter Lamm-Group-I-Software) in view of Breneman et al., Harrah’s Operating Company, Inc, 5,974,135 (Hereinafter Breneman-Harrahs-Operating-Company).

12. As per claim 25, Lamm-Group-I-Software clearly discloses a method (e.g., col., 4., lines 14 – 34), for creating (e.g., col., 4, lines 43 – 58) and distributing (e.g., col., 5, lines 22 – 28) non-sensitive (e.g., col., 15, lines 3 – 14) data summaries (e.g., col., 11, lines 16 – 24) from data aggregated (e.g., col., 7, lines 12 – 31) on behalf of users (e.g., col., 4, lines 62 – 67) comprising steps of:

(a) receiving (e.g., col., 7, lines 16 – 31) and aggregating data (e.g., col., 7, lines 12 – 31) related to a requesting (e.g., col., 8, lines 56 - 67), received (e.g., col., 7, lines 16 – 31) from a

Art Unit: 2154

source (e.g., col., 5, lines 21 – 43, figure 1) on behalf of a user (e.g., col., 4, lines 62 – 67, col., 8, lines 56 – 67, figure 2);

(b) de-sensitizing (e.g., col., 17, lines 1 – 11, lines 22 – 23) the aggregated data (e.g., col., 7, lines 12 – 31) by comparing the data (e.g., col., 11, lines 39 – 59) to sensitive data personal to the use (e.g., col., 8, lines 21 – 31), stored in a database (e.g., col., 12, lines 7 – 18) and removing the sensitive data (e.g., col., 17, lines 1 – 11, lines 22 – 23) found in the aggregated data (e.g., col., 7, lines 12 – 31);

(c) incorporating (e.g., col., 8, lines 23 – 32) the de-sensitized data (e.g., col., 17, lines 1 – 11, lines 22 – 23) into the form (e.g., col., 11, lines 55 – 61) of one or more non-sensitive data summaries (e.g., col., 11, lines 16 – 24);

(d) requesting (e.g., col., 8, lines 4 – 11) the non-sensitive data summaries or summary (e.g., col., 11, lines 16 – 24) to be delivered to the user's interface (e.g., col., 15, lines 22 – 36); and

(e) displaying (e.g., col., 15, lines 22 – 36) the non-sensitive summary or summaries (e.g., col., 11, lines 16 – 24) for user review (e.g., col., 15, lines 22 – 36).

However, Lamm-Group-I-Software does not specifically mention about non-proprietary source and a data session.

Breneman-Harrahs-Operating-Company discloses usage of non-proprietary source and a data session (e.g., col., 1, lines 10 – 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lamm-Group-I-Software with the teachings of Breneman-Harrahs-Operating-Company in order to facilitate usage of non-proprietary source and a data

Art Unit: 2154

session because the non-proprietary source would provide data that can be used for a user. The provided data would be used for aggregation and the data session would provide a mechanism to communicate data between devices. The source provided information would be communicated to the device aggregating data using the data session.

13. As per claim 30, Lamm-Group-I-Software and Breneman-Harrahs-Operating-Company discloses the claimed limitations rejected under claim 25. Lamm-Group-I-Software also discloses the sensitive data includes at least one of credit card numbers, full account numbers, Social Security numbers, user names, password and personal-identification-numbers (PIN) (e.g., col., 9, lines 56 – 64).

14. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm-Group-I-Software in view of Breneman-Harrahs-Operating-Company in further view of Dekelbaum et al., Bell Atlantic Network Services, 5,838,682 (Hereinafter Dekelbaum-Bell-Atlantic).

15. As per claim 26, Lamm-Group-I-Software and Breneman-Harrahs-Operating-Company discloses the claimed limitations rejected under claim 25. However, Lamm-Group-I-Software and Breneman-Harrahs-Operating-Company do not specifically mention about using a data-packet-network.

Dekelbaum-Bell-Atlantic discloses the well-known concept of using a data-packet-network (e.g., col., 12, lines 30 – 42).

Art Unit: 2154

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lamm-Group-I-Software and Breneman-Harrahs-Operating-Company with the teachings of Dekelbaum-Bell-Atlantic in order to facilitate usage of a data packet network because the data packet network would provide a mechanism to communicate data between devices using data packets. The usage of data packets would provide information that would be communicated to the device aggregating data for a user.

16. As per claim 27, Lamm-Group-I-Software and Breneman-Harrahs-Operating-Company discloses the claimed limitations rejected under claim 25. Lamm-Group-I-Software also discloses usage of the Internet (e.g., col., 5, lines 26 – 32).

### *Conclusion*

17. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



Art Unit: 2154

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

May 9, 2005



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